

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

No. 2:12-md-02323-AB

MDL No. 2323

Hon. Anita B. Brody

Kevin Turner and Shawn Wooden,
*on behalf of themselves and
others similarly situated,*

Civ. Action No. 14-00029-AB

Plaintiffs,

v.

National Football League and
NFL Properties LLC,
successor-in-interest to
NFL Properties, Inc.,

Defendants.

THIS DOCUMENT RELATES TO:
ALL ACTIONS

**MOTION OF CO-LEAD CLASS COUNSEL ANAPOL WEISS TO COMPEL THE
CLAIMS ADMINISTRATOR TO REIMBURSE ALL CLASS COUNSEL OUT OF THE
“ATTORNEYS’ FEES QSF” (“THE FUND”) THE MONIES EACH CLASS ATTORNEY
CONTRIBUTED TO THE COMMON BENEFIT EXPENSES (AS SUBMITTED FOR
REIMBURSEMENT) AND FOR THE ENTRY OF AN ORDER ESTABLISHING THE
“EDUCATION FUND” PER THE SETTLEMENT AGREEMENT.**

Undersigned Co-Lead Class Counsel, Anapol Weiss respectfully submits this Motion for a Hearing and/or Order to compel the Claims Administrator to pay each Class Attorney the monies recovered and deposited in “the Fund” to reimburse counsel for the common benefit expenses submitted for reimbursement. Further, class counsel seeks an Order compelling the Administrator to establish the Education Fund described in the Settlement Agreement and to appoint persons to administer that Fund. In support thereof, counsel states:

1. On February 13, 2017, the co-lead counsel on behalf of class counsel filed a Petition seeking an Order requiring the NFL to pay \$112.5 Million Dollars in attorneys' fees and costs and "holdback" per the Settlement Agreement.
2. On March 7, 2107, this Honorable Court entered an Order [#7246] appointing the Garretson Resolution Group the Fund Administrator of the Attorneys' Fees Qualified Settlement Fund out of which the common benefit fees and costs will be paid. This fund was denominated the "Attorneys' Fees QSF". The Court directed that the NFL pay into "the Fund" \$112,500,000.00, which is intended to serve as payment of common benefit fees and costs incurred and reported to the Court.
3. On March 8, 2107, this Honorable Court provided notice to class members and class counsel advising of their opportunity to respond to the aforementioned Petition.
4. All parties and attorneys having an interest in "the Fund" have filed pleadings with the Court. The Court has yet to decide this issue, refer it to a Special Master or schedule a Hearing.
5. No party or attorney has filed any objection to the common benefit expenses or requested reimbursement of those expenses reported to the Court.¹
6. As part of the settlement, the NFL is required to pay \$10,000,000 to establish an Education Fund which will be used to "support education programs promoting safety and injury prevention with respect to football players . . . and other educational initiatives benefitting Retired NFL Players. . . . "[Amended Settlement Agreement, Section 2.1 (hh-ii) and Section 12.1 et al.]
7. The Settlement Agreement provided for:

¹ While these expenses were previously documented in a pleading submitted by co-lead counsel as totaling \$5,682,779.30, that amount is slightly inaccurate and must be supplemented.

Section 12.1 An Education Fund will be established to fund programs promoting safety and injury prevention with respect to football players, including safety-related initiatives in youth football, the education of Retired NFL Football Players regarding the NFL CBA Medical and Disability Benefits programs and other educational initiatives benefitting Retired NFL Football Players. The Court shall approve these education programs, with input from Co-Lead Class Counsel, Counsel for the NFL Parties and medical experts, as further set forth below. Co-Lead Class Counsel and Counsel for the NFL Parties will agree to a protocol through which Retired NFL Football Players will actively participate in such initiatives.

8. Despite the requirement to establish the Education Fund and take all necessary steps to establish procedures and controls to manage and account for the disbursement of funds to the educational projects, to our knowledge the Fund has not been established and Class counsel has not taken any action to create funded programs.
9. The need to establish the Education Fund is paramount. Every day, young people and former players are exposed to potential head injury or the harm of having suffered head injury and they need help through education. That is the reason this Fund was established. The failure of counsel to establish through proper procedures a committee to develop education projects, monitor the funding of these projects and their success demonstrates the need for judicial intervention.

WHEREFORE, co-lead counsel request that this Honorable Court enter an Order directing the payment of the common benefit case expenses to each law Firm who has incurred these costs. Co-lead counsel also requests an Order of the Court appointing co-lead counsel to establish a committee to develop plans for the creation of education programs and fund those projects in accordance with the terms set forth in the Agreement regarding the Education Fund.

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DATED: March 22, 2018

Respectfully submitted,

/s/ Larry E. Coben

ANAPOL WEISS

Larry Coben

Sol Weiss.

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this date a true and correct copy of the foregoing motion, along with the accompanying memorandum of law and proposed were served via the Electronic Filing System to all counsel of record, Case no. 2:12-md-02323-AB, MDL No. 2323.

DATE: March 22, 2018

/s/ Larry E. Coben
Larry Coben
Counsel for Plaintiffs